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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,352	10/24/2003	William Sobonya	MAEE 200037	2725

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EXAMINER
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NORDMEYER, PATRICIA L

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/693,352

Applicant(s)

SOBONYA ET AL.

Examiner

Patricia L. Nordmeyer

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/24/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5, 8, 9, 13 – 16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherrod et al. (USPN 5,042,088).

Sherrod et al. disclose a scented thin layer article adapted for providing a covering for an interior household surface (Column 6, lines 36 – 39) comprising a thin layer of spunbond polymeric material chosen from polypropylene (Column 2, lines 65 – 68) and a scent agent disposed on or incorporated in said thin layer (Column 3, lines 30 – 31) as in claims 1 – 3. With regard to claims 4, 5 and 15, the spunbond polymeric material has a basis weight of 0.3 to 1.5 ounces/yd<sup>2</sup>, 10 to 51 g/m<sup>2</sup> (Column 2, lines 43 – 45). With regard to claims 8 and 16, the article has a thickness of 29.5 to 118 mils (Column 6, lines 28 – 29). As in claim 9, a layer of adhesive is disposed on said thin layer of said spunbond polymeric material (Column 4, lines 8 – 11). The scented sheet is adapted for covering a surface and comprises a thin layer of spunbond

Art Unit: 1772

polymeric material, said thin layer defining a first and second oppositely directed face chosen from polypropylene (Column 2, lines 65 – 68), a low tack adhesive disposed on said first face of said thin layer of said spunbond material (Column 4, lines 8 – 11) and a scent agent disposed or incorporated within at least one of said thin layer of said spunbond material and said adhesive (Column 4, lines 8 – 11) as in claims 13, 14 and 20.

3. Claims 1 – 7, 9, 3 – 15 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Williamson et al. (USPGPub 2004/0038607 A1).

Williamson et al. disclose a scented thin layer article adapted for providing a covering for an interior household surface (Page 1, Paragraph 0001) comprising a thin layer of spunbond polymeric material (Page 1, Paragraph 0009) chosen from polypropylene, polyethylene, polyethylene terephthalate and polyamide (Page 5, Paragraphs 38 and 41) and a scent agent disposed on or incorporated in said thin layer (Page 6, Paragraph 0055) as in claims 1 – 3. With regard to claims 4 and 5, the spunbond polymeric material has a basis weight of 6.8 to 136 g/m<sup>2</sup> (Page 5, Paragraph 0044). When the thin layer of spunbond polymeric is a laminate of at least two layers of spunbond fibers, the laminate has a total weight of 0.4 to 12 ounces/yd<sup>2</sup> (Page 5, Paragraph 0042) as in claim 6, and when the laminate includes a first layer of spunbond fibers, a second layer of meltblown fibers and a third layer of spunbond fibers, the spunbond layers weight between 0.2 to 4.0 ounces/yd<sup>2</sup> (Page 5, Paragraph 0044) while the meltblown layer weighs 0.2 to 4.0 ounces/yd<sup>2</sup> (Page 6, Paragraph 0045) as in claims 7 and 15. As in claim 9, a layer of adhesive is disposed on said think layer of said spunbond polymeric material (Page 6,

Art Unit: 1772

Paragraphs 0048 and 0049). The scented sheet is adapted for covering a surface and comprises a thin layer of spunbond polymeric material, said thin layer defining a first and second oppositely directed face (Page 1, Paragraph 0009) chosen from polypropylene, a low tack adhesive disposed on said first face of said thin layer of said spunbond material (Page 6, Paragraphs 0048 and 0049) and a scent agent disposed or incorporated within at least one of said thin layer of said spunbond material and said adhesive (Page 6, Paragraph 0055) as in claims 13, 14 and 20.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10 – 12 and 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson et al. in view of Dolch et al. (USPN 4,145,327).

Williamson et al. disclose a scented thin layer article adapted for providing a covering for an interior household surface (Page 1, Paragraph 0001) comprising a thin layer of spunbond polymeric material (Page 1, Paragraph 0009) chosen from polypropylene, polyethylene, polyethylene terephthalate and polyamide (Page 5, Paragraphs 38 and 41) and a scent agent disposed on or incorporated in said thin layer (Page 6, Paragraph 0055). The spunbond polymeric material has a basis weight of 6.8 to 136 g/m<sup>2</sup> (Page 5, Paragraph 0044). When the thin layer of spunbond polymeric is a laminate of at least two layers of spunbond fibers, the

laminate has a total weight of 0.4 to 12 ounces/yd<sup>2</sup> (Page 5, Paragraph 0042), and when the laminate includes a first layer of spunbond fibers, a second layer of meltblown fibers and a third layer of spunbond fibers, the spunbond layers weight between 0.2 to 4.0 ounces/yd<sup>2</sup> (Page 5, Paragraph 0044) while the meltblown layer weighs 0.2 to 4.0 ounces/yd<sup>2</sup> (Page 6, Paragraph 0045). A layer of adhesive is disposed on said thin layer of said spunbond polymeric material (Page 6, Paragraphs 0048 and 0049). The scented sheet is adapted for covering a surface and comprises a thin layer of spunbond polymeric material, said thin layer defining a first and second oppositely directed face (Page 1, Paragraph 0009) chosen from polypropylene, a low tack adhesive disposed on said first face of said thin layer of said spunbond material (Page 6, Paragraphs 0048 and 0049) and a scent agent disposed or incorporated within at least one of said thin layer of said spunbond material and said adhesive (Page 6, Paragraph 0055). However, Williamson et al. fail to disclose the adhesive being a pressure sensitive adhesive selected from the group consisting of acrylic adhesives and rubber resin adhesives and a release layer in contact with said adhesive layer.

Dolch et al. teach a pressure sensitive adhesive (Column 2, line 64) selected from the group consisting of acrylic adhesives and rubber resin adhesives (Column 2, lines 44 – 48) and a release layer in contact with said adhesive layer (Column 2, lines 59 – 60) for the purpose adhering a variety of articles including shelf liners (Column 2, lines 64 – 67) without the build up of charge (Column 1, lines 25 – 27).

Art Unit: 1772

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the a pressure sensitive adhesive selected from the group consisting of acrylic adhesives and rubber resin adhesives and a release layer in contact with said adhesive layer in Williamson et al. in order to adhere a variety of articles including shelf liners without the build up of charge as taught by Dolch et al.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Application Publication 2002/0182102 to Fontenot et al. is cited to show the state of the art of shelf liners in combination with scent agents.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer  
Examiner  
Art Unit 1772

*pln*  
pln

*[Signature]*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

8/8/05